

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Soloman Enterprises, LLC,	
t/a Climax Restaurant and	Protest
Hookah Bar	Hearing
900 Florida Avenue NW	(Status)
Retailer CT ANC 1B	
License No. 88290	
Renewal Application	

Case No. 13-PRO-00152

Wednesday
February 5, 2014

The Alcoholic Beverage Control Board met in Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street N.W., Washington, D.C., Chairperson Ruthanne Miller presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HECTOR RODRIGUEZ, Member
MICHAEL SILVERSTEIN, Member
JAMES SHORT, Member
HERMAN JONES, Member

ALSO PRESENT:

Stephen Whelan

P-R-O-C-E-E-D-I-N-G-S

(9:30 a.m.)

CHAIRPERSON MILLER: Next case on the Agenda is also a Protest Status Hearing, it's Case Number 13-PRO-152, Climax Restaurant and Hookah Bar, located at 900 Florida Avenue NW, License Number 88290, in ANC 1B.

(Off the record comments)

CHAIRPERSON MILLER: Good morning.

MR. WHELAN: Good morning.

Stephen Whelan, on behalf of Climax.

CHAIRPERSON MILLER: Thank you.

MR. YEGZAW: Hi. Good morning.

Solomon Yegzaw, owner of Climax Restaurant and Hookah Bar.

CHAIRPERSON MILLER: Are you counsel?

MR. WHELAN: ***9:58:04.

CHAIRPERSON MILLER: Okay.

MR. WHELAN: ***9:58:05.

CHAIRPERSON MILLER: Oh, okay. What's your name again?

1 MR. WHELAN: Stephen Whelan.

2 CHAIRPERSON MILLER: Stephen
3 Whelan, okay. And with you is?

4 MR. YEGZAW: Solomon Yegzaw, owner
5 of Climax.

6 CHAIRPERSON MILLER: You're the
7 owner?

8 MR. YEGZAW: Yes.

9 CHAIRPERSON MILLER: Okay. Okay,
10 and over on this table?

11 MS. CLARK: My name, one of the
12 protestors, Earthe Clark.

13 CHAIRPERSON MILLER: Earthe Clark,
14 okay. Group of eight?

15 MR. GRISWELL: Sounds right.

16 CHAIRPERSON MILLER: I have you
17 under a group of eight.

18 MS. CLARK: No, we're under a
19 group of ***9:58:31.

20 MR. GRISWELL: It might be eight.

21 MS. CLARK: I don't know about
22 eight.

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CHAIRPERSON MILLER: Okay.

MS. CLARK: Are you going by the
list, the original list?

MR. GRISWELL: One, two, three,
four, five, six, seven, eight.

MS. CLARK: It is eight?

MR. GRISWELL: It is eight.

MS. CLARK: It is eight.

(Off the record comments)

CHAIRPERSON MILLER: Okay. What I
also have in my notes for you is that only
four appeared at roll call and one more must
appear here to be granted standing.

MS. CLARK: Yes.

CHAIRPERSON MILLER: And that's
you?

MS. CLARK: No, him.

MR. JONES: Yes, it's me. My name
is Paul C. Jones.

CHAIRPERSON MILLER: Paul C.
Jones, okay.

1 MR. GRISWELL: We have a sixth, if
2 it matters to the Board.

3 CHAIRPERSON MILLER: We need at
4 least five, but if somebody is here, yes.
5 Yes. And you're name is?

6 MR. CRAWFORD: Steve Crawford.

7 CHAIRPERSON MILLER: What is it?

8 MR. CRAWFORD: Steve Crawford.

9 CHAIRPERSON MILLER: Okay. And
10 neither of you were at the roll call?

11 MR. GRISWELL: We were, but we're
12 already recorded, so --

13 CHAIRPERSON MILLER: No you two
14 were, but those two were not, no.

15 MR. GRISWELL: Those two were not.

16 CHAIRPERSON MILLER: Okay, fine
17 then. How many is in your group now, is it a
18 group of eight?

19 MS. CLARK: Five.

20 (Off the record comments)

21 MR. GRISWELL: We have now
22 presented six parties to the Board.

1 CHAIRPERSON MILLER: Six, okay.

2 MR. GRISWELL: In person.

3 CHAIRPERSON MILLER: All right.

4 That's just what I have going, but you've
5 called this group of eight, or six, do you
6 have any other name? I don't know.

7 (Off the record comments)

8 CHAIRPERSON MILLER: Okay. All
9 right, so you will then be granted standing
10 here, whatever your name is, group of 6,
11 whatever. Okay.

12 MR. JONES: Group of 5 or more.

13 CHAIRPERSON MILLER: We have
14 another group of -- has everybody introduced
15 themselves? Oh, are you also in this case?

16 (Off the record comments)

17 CHAIRPERSON MILLER: Well you
18 should come forward, if you can.

19 (Off the record comments)

20 MR. CRAWFORD: Steve, maybe they -

21 -

22 MR. JONES: The group of 6 has

1 changed.

2 CHAIRPERSON MILLER: Okay.

3 (Off the record comments)

4 CHAIRPERSON MILLER: Since you've
5 introduced yourself, Earthe, maybe you can let
6 them take your seat and you can step back for
7 a minute.

8 MS. CLARK: Oh, okay.

9 (Off the record comments)

10 CHAIRPERSON MILLER: Right, you
11 all should sign in. Okay, and introduce
12 yourselves, please.

13 MS. LOZANO: Melissa Lozano with
14 the Floridian Building.

15 CHAIRPERSON MILLER: Floridian
16 Building, okay.

17 (Off the record comments)

18 CHAIRPERSON MILLER: I have -- oh,
19 go ahead.

20 MR. HUDSON: My name's Robert
21 Hudson, also with the Floridian.

22 MR. RASSIER: And Dylan Rassier,

1 also with the Floridian.

2 MR. O'NEIL: Keith O'Neil, also
3 with the Floridian.

4 MR. SMITH: Pierre Smith, also
5 with the Floridian.

6 CHAIRPERSON MILLER: Okay, now I
7 have in my notes that there is a group, there
8 was called a group of 14, would that be you,
9 do you know?

10 (Off the record comments)

11 CHAIRPERSON MILLER: Yes, is
12 there, who is Mr. Banerjee?

13 MS. LOZANO: I'm his wife, he --

14 CHAIRPERSON MILLER: Oh, okay.

15 (Off the record comments)

16 MS. LOZANO: -- is unable to
17 attend today.

18 CHAIRPERSON MILLER: Okay.

19 (Off the record comments)

20 CHAIRPERSON MILLER: It looks like
21 you have plenty of people here. Okay. I see
22 only four appeared at roll call and we needed

1 one more. And so there's more than one more,
2 who didn't appear at roll call, I assume, is
3 that right? Did any of you appear at roll
4 call?

5 MR. O'NEIL: I did not, I'm sorry.

6 CHAIRPERSON MILLER: Okay, fine.
7 Then your group also is granted standing, as
8 well. Are you with the Floridian, is that
9 what you said?

10 MR. O'NEIL: Yes.

11 CHAIRPERSON MILLER: Okay.

12 MS. LOZANO: That's our building.

13 CHAIRPERSON MILLER: All right.

14 So unless you have specific issues, I'm going
15 to set the date for a protest hearing and read
16 you similar instructions about the hearing.
17 Okay.

18 (Off the record comments)

19 CHAIRPERSON MILLER: Yes?

20 MR. ALBERTI: The gentlemen that
21 didn't appear at roll call, did they introduce
22 themselves? Just so we have it for the

1 record, so that we know --

2 CHAIRPERSON MILLER: Did you?

3 MR. O'NEIL: Did we introduce
4 ourselves?

5 (Chorus of ayes)

6 MR. GRISWELL: Yes, we introduced
7 ourselves.

8 MR. ALBERTI: Oka, they did, okay.

9 CHAIRPERSON MILLER: And also, be
10 sure to, everybody who came, be sure to sign
11 in, so that it's clear in the record that you
12 were here. Okay, so your protest hearing is
13 April 2nd, 2014, at 1:30 p.m.

14 And as I stated in the previous
15 case, the purpose of a protest hearing is the
16 appropriateness of the establishment in the
17 section of the District where the
18 establishment is located and that's found in
19 ABRA Regulations at 23-1607.

20 So that is what the protest
21 hearing will be focused on, not on other
22 issues. You should have received in the mail,

1 if you haven't, make sure you get it from Ms.
2 Anderson, a Protest Information Form, also
3 known as the PIF, and an Exhibit Form.

4 And you need to submit that form
5 seven days before the date of the hearing, as
6 well as an Exhibit Form, to the Board, via Ms.
7 Anderson and to all opposing parties in the
8 matter.

9 If we don't receive a copy of your
10 PIF, your application, or your protest may be
11 subject to dismissal. Likewise, if we don't
12 receive a copy of the Exhibit Form and the
13 Exhibits themselves, your exhibits may be
14 excluded from the record upon a finding that
15 the party has been prejudiced, or no cause for
16 the failure to submit has been shown.

17 Likewise, witnesses other than a
18 party, may also be subject to exclusion, if
19 not identified on the PIF. The forms are very
20 important to focusing the hearing and
21 providing the parties with notice, you know,
22 as so they can prepare their cases.

1 If you have any questions you can
2 contact Ms. Anderson at 202-442-6492.

3 (Off the record comments)

4 CHAIRPERSON MILLER: And if you
5 have any questions right now I can take it.

6 (Off the record comments)

7 CHAIRPERSON MILLER: You need to
8 come to the microphone in order to be picked
9 on the record by the court reporter.

10 MS. CLARK: My question is, I'm
11 Earthe Clark and the protesters, on our
12 original date for the protest hearing we have
13 was March 22nd, 2014, which is a Saturday. So
14 the new date now would be April, whatever you
15 was telling us now?

16 CHAIRPERSON MILLER: April 2nd.
17 Oh, wait a second. I'm sorry.

18 (Off the record comments)

19 CHAIRPERSON MILLER: April 2nd,
20 yes, at 1:30 p.m.

21 MS. CLARK: So it's not the March
22 22nd, which is --

1 CHAIRPERSON MILLER: No, we only
2 meet on Wednesdays, so if you ever get a date
3 like that call the office because there's a
4 mistake.

5 MS. CLARK: Okay, I checked it
6 that's why I want to make sure.

7 CHAIRPERSON MILLER: That's good.
8 Okay.

9 MS. CLARK: Okay, thank you.

10 CHAIRPERSON MILLER: Thank you
11 very much. Okay, then that concludes this
12 case. Thank you very much.

13 (Whereupon, at 10:05 a.m., the
14 protest hearing status hearing was adjourned.)
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<p>A</p> <p>a.m 2:2 13:13 ABRA 10:19 adjourned 13:14 Agenda 2:4 ahead 7:19 ALBERTI 1:17 9:20 10:8 Alcoholic 1:2,13,13 ANC 1:8 2:7 Anderson 11:2,7 12:2 appear 4:14 9:2,3 9:21 appeared 4:13 8:22 application 1:9 11:10 appropriateness 10:16 April 10:13 12:14 12:16,19 assume 9:2 attend 8:17 Avenue 1:7 2:6 ayes 10:5</p>	<p>cause 11:15 Chairperson 1:14 1:16 2:3,9,12,16 2:19,21 3:2,6,9,13 3:16 4:2,11,16,21 5:3,7,9,13,16 6:1 6:3,8,13,17 7:2,4 7:10,15,18 8:6,11 8:14,18,20 9:6,11 9:13,19 10:2,9 12:4,7,16,19 13:1 13:7,10 changed 7:1 checked 13:5 Chorus 10:5 Clark 3:11,12,13 3:18,21 4:3,7,9,15 4:18 5:19 7:8 12:10,11,21 13:5 13:9 clear 10:11 Climax 1:6 2:5,11 2:14 3:5 COLUMBIA 1:1 come 6:18 12:8 comments 2:8 4:10 5:20 6:7,16,19 7:3 7:9,17 8:10,15,19 9:18 12:3,6,18 concludes 13:11 contact 12:2 Control 1:2,13,13 copy 11:9,12 counsel 2:17 court 12:9 Crawford 5:6,6,8,8 6:20 CT 1:8</p>	<p>DONALD 1:17 Dylan 7:22</p> <p>E</p> <p>Earthe 3:12,13 7:5 12:11 eight 3:14,17,20,22 4:6,7,8,9 5:18 6:5 Enterprises 1:6 establishment 10:16,18 everybody 6:14 10:10 excluded 11:14 exclusion 11:18 Exhibit 11:3,6,12 exhibits 11:13,13</p> <p>F</p> <p>failure 11:16 February 1:12 finding 11:14 fine 5:16 9:6 five 4:6 5:4,19 Florida 1:7 2:6 Floridian 7:14,15 7:21 8:1,3,5 9:8 focused 10:21 focusing 11:20 form 11:2,3,4,6,12 forms 11:19 forward 6:18 found 10:18 four 4:6,13 8:22</p>	<p>6:14,22 8:7,8 9:7</p> <p>H</p> <p>hearing 1:7,14 2:4 9:15,16 10:12,15 10:21 11:5,20 12:12 13:14,14 HECTOR 1:18 HERMAN 1:19 Hi 2:13 Hookah 1:7 2:6,15 Hudson 7:20,21</p> <p>I</p> <p>identified 11:19 important 11:20 Information 11:2 instructions 9:16 introduce 7:11 9:21 10:3 introduced 6:14 7:5 10:6 issues 9:14 10:22</p> <p>J</p> <p>JAMES 1:19 Jones 1:19 4:19,20 4:22 6:12,22</p>	<p>March 12:13,21 matter 1:5 11:8 matters 5:2 meet 13:2 MEETING 1:3 Melissa 7:13 Member 1:17,17,18 1:18,19,19 met 1:13 MICHAEL 1:18 microphone 12:8 Miller 1:15,16 2:3 2:9,12,16,19,21 3:2,6,9,13,16 4:2 4:11,16,21 5:3,7,9 5:13,16 6:1,3,8,13 6:17 7:2,4,10,15 7:18 8:6,11,14,18 8:20 9:6,11,13,19 10:2,9 12:4,7,16 12:19 13:1,7,10 minute 7:7 mistake 13:4 morning 2:9,10,13</p>
<p>B</p> <p>back 7:6 Banerjee 8:12 Bar 1:7 2:6,15 behalf 2:11 Beverage 1:2,13,13 Board 1:2,13 5:2 5:22 11:6 BROOKS 1:17 building 1:14 7:14 7:16 9:12</p>	<p>comments 2:8 4:10 5:20 6:7,16,19 7:3 7:9,17 8:10,15,19 9:18 12:3,6,18 concludes 13:11 contact 12:2 Control 1:2,13,13 copy 11:9,12 counsel 2:17 court 12:9 Crawford 5:6,6,8,8 6:20 CT 1:8</p>	<p>G</p> <p>gentlemen 9:20 go 7:19 going 4:3 6:4 9:14 good 2:9,10,13 13:7 granted 4:14 6:9 9:7 GRISWELL 3:15 3:20 4:5,8 5:1,11 5:15,21 6:2 10:6 group 3:14,17,19 5:17,18 6:5,10,12</p>	<p>K</p> <p>Keith 8:2 know 3:21 6:6 8:9 10:1 11:21 known 11:3</p> <p>L</p> <p>License 1:8 2:7 Likewise 11:11,17 list 4:4,4 LLC 1:6 located 2:6 10:18 looks 8:20 Lozano 7:13,13 8:13,16 9:12</p>	<p>N</p> <p>N.W 1:14 name 2:22 3:11 4:19 5:5 6:6,10 name's 7:20 need 5:3 11:4 12:7 needed 8:22 neither 5:10 new 12:14 NICK 1:17 notes 4:12 8:7 notice 11:21 Number 2:5,7 NW 1:7 2:7</p>
<p>C</p> <p>C 4:20,21 call 4:13 5:10 8:22 9:2,4,21 13:3 called 6:5 8:8 case 1:10 2:3,5 6:15 10:15 13:12 cases 11:22</p>	<p>D</p> <p>D.C 1:14 date 9:15 11:5 12:12,14 13:2 days 11:5 dismissal 11:11 District 1:1 10:17</p>	<p>M</p> <p>mail 10:22</p>	<p>O</p> <p>O'Neil 8:2,2 9:5,10 10:3 office 13:3 oh 2:21 6:15 7:8,18 8:14 12:17 Oka 10:8</p>	<p>O</p> <p>O'Neil 8:2,2 9:5,10 10:3 office 13:3 oh 2:21 6:15 7:8,18 8:14 12:17 Oka 10:8</p>

okay 2:19,21 3:3,9
3:9,14 4:2,11,22
5:9,16 6:1,8,11
7:2,8,11,16 8:6,14
8:18,21 9:6,11,17
10:8,12 13:5,8,9
13:11
opposing 11:7
order 12:8
original 4:4 12:12
owner 2:14 3:4,7

P

P-R-O-C-E-E-D-...
2:1
p.m 10:13 12:20
parties 5:22 11:7
11:21
party 11:15,18
Paul 4:20,21
people 8:21
person 6:2
picked 12:8
Pierre 8:4
PIF 11:3,10,19
please 7:12
plenty 8:21
prejudiced 11:15
prepare 11:22
PRESENT 1:16,20
presented 5:22
presiding 1:15
previous 10:14
protest 1:6 2:4 9:15
10:12,15,20 11:2
11:10 12:12 13:14
protesters 12:11
protestors 3:12
providing 11:21
purpose 10:15

Q

question 12:10
questions 12:1,5

R

Rassier 7:22,22

read 9:15
receive 11:9,12
received 10:22
record 2:8 4:10
5:20 6:7,16,19 7:3
7:9,17 8:10,15,19
9:18 10:1,11
11:14 12:3,6,9,18
recorded 5:12
Reeves 1:14
Regulations 10:19
Renewal 1:9
reporter 12:9
Restaurant 1:6 2:5
2:14
Retailer 1:8
right 3:15 6:3,9
7:10 9:3,13 12:5
Robert 7:20
RODRIGUEZ 1:18
roll 4:13 5:10 8:22
9:2,3,21
Room 1:14
Ruthanne 1:15,16

S

Saturday 12:13
seat 7:6
second 12:17
section 10:17
see 8:21
set 9:15
seven 4:6 11:5
SHORT 1:19
shown 11:16
sign 7:11 10:10
SILVERSTEIN
1:18
similar 9:16
six 4:6 5:22 6:1,5
sixth 5:1
Smith 8:4,4
Soloman 1:6
Solomon 2:14 3:4
somebody 5:4
sorry 9:5 12:17

Sounds 3:15
specific 9:14
standing 4:14 6:9
9:7
stated 10:14
status 1:7 2:4 13:14
step 7:6
Stephen 1:22 2:11
3:1,2
Steve 5:6,8 6:20
Street 1:14
subject 11:11,18
submit 11:4,16
sure 10:10,10 11:1
13:6

T

t/a 1:6
table 3:10
take 7:6 12:5
telling 12:15
thank 2:12 13:9,10
13:12
three 4:5
today 8:17
two 4:5 5:13,14,15

U

unable 8:16

V

W

wait 12:17
want 13:6
Washington 1:14
we're 3:18 5:11
Wednesday 1:11
Wednesdays 13:2
Whelan 1:22 2:10
2:11,18,20 3:1,1,3
wife 8:13
witnesses 11:17

X

Y

Yegzaw 2:13,14 3:4
3:4,8

Z

0

1

1:30 10:13 12:20
10:05 13:13
13-PRO-00152
1:10
13-PRO-152 2:5
14 8:8
14th 1:14
1B 1:8 2:7

2

2000 1:14
2014 1:12 10:13
12:13
202-442-6492 12:2
22nd 12:13,22
23-1607 10:19
2nd 10:13 12:16,19

3

4

5

5 1:12 6:12

6

6 6:10,22

7

8

88290 1:8 2:7

9

9:30 2:2
9:58:04 2:18
9:58:05 2:20
9:58:31 3:19
900 1:7 2:6